

Executive Summary – Enforcement Matter – Case No. 51780
Eco Services Operations LLC
RN100211317 and RN100220581
Docket No. 2016-0113-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Eco Services Operations ("Plant 1"), 3439 Park Street, Baytown, Harris County

Eco Services Operations ("Plant 2"), 8615 Manchester Street, Houston, Harris County

Type of Operation:

Chemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 8, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$20,063

Amount Deferred for Expedited Settlement: \$4,012

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$8,026

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$8,025

Name of SEP: Houston-Galveston Area Council-AERCO (Third-Party Pre-Approved)

Compliance History Classifications (RN100211317, Plant 1):

Person/CN - Satisfactory

Site/RN - Satisfactory

Compliance History Classifications (RN100220581, Plant 2):

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

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RN100211317 and RN100220581
Docket No. 2016-0113-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 6, 2015 (Plant 1) and December 9, 2015 through January 12, 2016 (Plant 2)

Date(s) of NOE(s): January 5, 2016 (Plant 1) and February 10, 2016 (Plant 2)

Violation Information

At Plant 1:

1. Failed to submit a Permit Compliance Certification (“PCC”) within 30 days after the end of the certification period. Specifically, the PCC for the July 25, 2014 through November 30, 2014 certification period was due by December 30, 2014 and the PCC for December 1, 2014 through January 24, 2015 certification period was due by February 23, 2015 but both were not submitted until February 24, 2015 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit (“FOP”) No. 01610, General Terms and Conditions (“GTC”)].

At Plant 2:

2. Failed to submit a PCC within 30 days after the end of the certification period. Specifically, the PCC for the September 1, 2014 through November 30, 2014 certification period was due by December 30, 2014 and the PCC for the December 1, 2014 through March 2, 2015 certification period was due by April 1, 2015 but both were not submitted until April 2, 2015 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 03049, GTC].

3. Failed to submit a deviation report within 30 days after the end of the reporting period. Specifically, the deviation report for the September 1, 2014 through March 2, 2015 reporting period was due by April 1, 2015 but was not submitted until April 2, 2015 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 03049, GTC].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

a. On February 24, 2015, submitted the PCCs for the July 25, 2014 through November 30, 2014 and December 1, 2014 through January 24, 2015 certification periods for Plant 1;

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RN100211317 and RN100220581
Docket No. 2016-0113-AIR-E**

- b. On April 2, 2015, submitted the PCCs for the September 1, 2014 through November 30, 2014 and December 1, 2014 through March 2, 2015 certification periods for Plant 2;
- c. On April 2, 2015, submitted the deviation report for the September 1, 2014 through March 2, 2015 reporting period for Plant 2; and
- d. On October 7, 2015, replaced the mail meter to ensure mail is dated correctly for the timely submittal of PCCs.

Technical Requirements:

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Kingsley Coppinger, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6581; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: Elaine Simpson, Vice President – Environmental Health & Safety, Eco Services Operations LLC, 8615 Manchester Street, Houston, Texas 77012
Bill McConnell, Plant Manager, Eco Services Operations LLC, 8615 Manchester Street, Houston, Texas 77012
Respondent's Attorney: N/A

Attachment A
Docket Number: 2016-0113-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Eco Services Operations LLC
Penalty Amount:	Sixteen Thousand Fifty-One Dollars (\$16,051)
SEP Offset Amount:	Eight Thousand Twenty-Five Dollars (\$8,025)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO
Project Name:	<i>Clean Vehicles Partnership Project</i>
Location of SEP: Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to replace old, higher emission buses that do not meet 2010 Environmental Protection Agency ("EPA") emissions standards ("Old Buses") with new, lower emission buses that meet the most recent EPA emissions standards ("New Buses") or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities ("SEP Administrators") that apply for replacement, retrofit, or conversion of buses.

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for

installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards. Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months. All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Eco Services Operations LLC
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	11-Jan-2016	Screening	25-Jan-2016	EPA Due	
	PCW	25-Jan-2016				

RESPONDENT/FACILITY INFORMATION

Respondent	Eco Services Operations LLC		
Reg. Ent. Ref. No.	RN100211317 (Plant 1)		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	51780	No. of Violations	1
Docket No.	2016-0113-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kingsley Coppinger
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	5.0%	Adjustment	Subtotals 2, 3, & 7	\$375
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Notes: Enhancement for one NOV with same/similar violations.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,875
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$4
Estimated Cost of Compliance \$500

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$6,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$6,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$6,000
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DEFERRAL	20.0%	Reduction	Adjustment	-\$1,200
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$4,800
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Screening Date 25-Jan-2016

Docket No. 2016-0113-AIR-E

PCW

Respondent Eco Services Operations LLC

Policy Revision 4 (April 2014)

Case ID No. 51780

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100211317 (Plant 1)

Media [Statute] Air

Enf. Coordinator Kingsley Coppinger

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one NOV with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 5%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 5%

Screening Date 25-Jan-2016

Docket No. 2016-0113-AIR-E

PCW

Respondent Eco Services Operations LLC

Policy Revision 4 (April 2014)

Case ID No. 51780

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100211317 (Plant 1)

Media [Statute] Air

Enf. Coordinator Kingsley Coppinger

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.146(2), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit No. 01610, General Terms and Conditions

Violation Description Failed to submit a Permit Compliance Certifications ("PCC") within 30 days after the end of the certification period. Specifically, the PCC for the July 25, 2014 through November 30, 2014 certification period was due by December 30, 2014 and the PCC for the December 1, 2014 through January 24, 2015 certification period was due by February 23, 2015 but both were not submitted until February 24, 2015.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

56 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$7,500

Two single events are recommended, one for each late PCC.

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes The Respondent came into compliance on February 24, 2015, prior to the Notice of Enforcement dated January 5, 2016.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$6,000

This violation Final Assessed Penalty (adjusted for limits) \$6,000

Economic Benefit Worksheet

Respondent Eco Services Operations LLC
Case ID No. 51780
Reg. Ent. Reference No. RN100211317 (Plant 1)
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	30-Dec-2014	24-Feb-2015	0.15	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to submit the PCCs for the July 25, 2014 through November 30, 2014 and December 1, 2014 through January 24, 2015 certification periods. The date required is the date the first PCC was due. The final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$4

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN604683482, RN100211317, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator:	CN604683482, Eco Services Operations LLC	Classification:	SATISFACTORY	Rating:	1.19
Regulated Entity:	RN100211317, ECO SERVICES OPERATIONS (PLANT 1)	Classification:	SATISFACTORY	Rating:	0.17
Complexity Points:	16	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	3439 PARK ST BAYTOWN, TX 77520, HARRIS COUNTY				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0696Q
POLLUTION PREVENTION PLANNING ID NUMBER P00579
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0696Q
AIR NEW SOURCE PERMITS REGISTRATION 11660
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX695
AIR NEW SOURCE PERMITS PERMIT 56534
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX695M2
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD082688896
USED OIL ID NUMBER HOU00071

AIR OPERATING PERMITS PERMIT 1610
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1011077
AIR NEW SOURCE PERMITS REGISTRATION 12675
AIR NEW SOURCE PERMITS PERMIT 9565
AIR NEW SOURCE PERMITS AFS NUM 4820100038
AIR NEW SOURCE PERMITS REGISTRATION 86388
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX695M3
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30708
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0696Q

MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER HOU00071

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: March 03, 2016

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 03, 2011 to March 03, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Kingsley Coppinger

Phone: (512) 239-6581

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |
| 3) If YES for #2, who is the current owner/operator? | N/A |
| 4) If YES for #2, who was/were the prior owner(s)/operator(s)? | N/A |
| 5) If YES , when did the change(s) in owner or operator occur? | N/A |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	May 04, 2011	(901643)
Item 2	February 06, 2013	(1054400)
Item 3	April 15, 2013	(1073991)
Item 4	August 04, 2014	(1185099)
Item 5	October 20, 2014	(1191648)
Item 6	October 29, 2014	(1193044)
Item 7	May 20, 2015	(1245361)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	01/05/2016	(1275827)	CN604683482
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(C) 5C THSC Chapter 382 382.085(b) General Terms & Conditions OP		
	Description:	Failure to submit a deviation report within the required time frame.		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 11 PERMIT Special Term and Condition 9 OP		
	Description:	Failure to maintain a pH of at least 8.0 on Caustic Scrubber.		
	Self Report?	NO		Classification: Minor
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 4 PERMIT Special Term and Condition 9 OP		
	Description:	Failure to maintain SO2 emissions below 2.49 lbs per ton of acid produced.		

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	16-Feb-2016	Screening	26-Feb-2016	EPA Due	
	PCW	12-Apr-2016				

RESPONDENT/FACILITY INFORMATION

Respondent	Eco Services Operations LLC		
Reg. Ent. Ref. No.	RN100220581 (Plant 2)		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	51780	No. of Violations	2
Docket No.	2016-0113-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kingsley Coppinger
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$11,250**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **50.0%** **Adjustment** **Subtotals 2, 3, & 7** **\$5,625**

Notes: Enhancement for one NOV with same/similar violation, three NOVs with dissimilar violations, and two orders with a denial of liability. Reduction for one notice of intent to conduct an audit.

Culpability **No** **0.0%** **Enhancement** **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **-\$2,812**

Economic Benefit **0.0%** **Enhancement*** **Subtotal 6** **\$0**

Total EB Amounts \$87
Estimated Cost of Compliance \$2,250

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$14,063**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$14,063**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$14,063**

DEFERRAL **20.0%** **Reduction** **Adjustment** **-\$2,812**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$11,251**

Screening Date 26-Feb-2016

Docket No. 2016-0113-AIR-E

PCW

Respondent Eco Services Operations LLC

Policy Revision 4 (April 2014)

Case ID No. 51780

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100220581 (Plant 2)

Media [Statute] Air

Enf. Coordinator Kingsley Coppinger

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 50%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one NOV with same/similar violation, three NOVs with dissimilar violations, and two orders with a denial of liability. Reduction for one notice of intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 50%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 50%

Screening Date 26-Feb-2016

Docket No. 2016-0113-AIR-E

PCW

Respondent Eco Services Operations LLC

Policy Revision 4 (April 2014)

Case ID No. 51780

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100220581 (Plant 2)

Media [Statute] Air

Enf. Coordinator Kingsley Coppinger

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4) and 122.146(2), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit ("FOP") No. 03049, General Terms and Conditions ("GTC")

Violation Description

Failed to submit a Permit Compliance Certifications ("PCC") within 30 days after the end of the certification period. Specifically, the PCC for the September 1, 2014 through November 30, 2014 certification period was due by December 30, 2014 and the PCC for the December 1, 2014 through March 2, 2015 certification period was due by April 1, 2015 but both were not submitted until April 2, 2015.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Harm

Moderate

Minor

Actual

Potential

Percent 0.0%

>> Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

91 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$7,500

Two single events are recommended, one for each late PCC.

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

(mark with x)

Notes

The Respondent came into compliance on October 7, 2015, prior to the Notice of Enforcement dated February 10, 2016.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$87

Violation Final Penalty Total \$9,375

This violation Final Assessed Penalty (adjusted for limits) \$9,375

Economic Benefit Worksheet

Respondent Eco Services Operations LLC

Case ID No. 51780

Reg. Ent. Reference No. RN100220581 (Plant 2)

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**

Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,500	30-Dec-2014	7-Oct-2015	0.77	\$4	\$77	\$81
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	30-Dec-2014	2-Apr-2015	0.25	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to submit the PCCs for the September 1, 2014 through November 30, 2014 and December 1, 2014 through March 2, 2015 certification periods and replaced the mail meter to ensure mail is dated correctly for the timely submittal of PCCs. The dates required are the date the first PCC was due. The final dates are the dates of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$87

Screening Date 26-Feb-2016

Docket No. 2016-0113-AIR-E

PCW

Respondent Eco Services Operations LLC

Policy Revision 4 (April 2014)

Case ID No. 51780

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100220581 (Plant 2)

Media [Statute] Air

Enf. Coordinator Kingsley Coppinger

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(C), Tex. Health & Safety Code § 382.085(b), and FOP No. 03049, GTC

Violation Description

Failed to submit a deviation report within 30 days after the end of the reporting period. Specifically, the deviation report for the September 1, 2014 through March 2, 2015 reporting period was due by April 1, 2015 but was not submitted until April 2, 2015.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$937

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent came into compliance on April 2, 2015, prior to the Notice of Enforcement dated February 10, 2016.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,688

This violation Final Assessed Penalty (adjusted for limits) \$4,688

Economic Benefit Worksheet

Respondent Eco Services Operations LLC

Case ID No. 51780

Reg. Ent. Reference No. RN100220581 (Plant 2)

Media Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	1-Apr-2015	2-Apr-2015	0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit the deviation report for the September 1, 2014 through March 2, 2015 reporting period. The date required is the date the deviation report was due. The final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$0

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN604683482, RN100220581, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN604683482, Eco Services Operations LLC
Classification: SATISFACTORY **Rating:** 1.19

Regulated Entity: RN100220581, ECO SERVICES OPERATIONS (PLANT 2)
Classification: SATISFACTORY **Rating:** 1.72

Complexity Points: 32
Repeat Violator: NO

CH Group: 05 - Chemical Manufacturing

Location: 8615 MANCHESTER ST HOUSTON, TX 77012-2142, HARRIS COUNTY

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG06970
WASTEWATER PERMIT WQ0000542000
AIR NEW SOURCE PERMITS REGISTRATION 10622
AIR NEW SOURCE PERMITS PERMIT 19282
AIR NEW SOURCE PERMITS REGISTRATION 46657
AIR NEW SOURCE PERMITS PERMIT 4802
AIR NEW SOURCE PERMITS PERMIT 56566
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1081
AIR NEW SOURCE PERMITS REGISTRATION 92041
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1260

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG06970
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008099079
POLLUTION PREVENTION PLANNING ID NUMBER P00578

AIR OPERATING PERMITS PERMIT 3049
WASTEWATER EPA ID TX0007072
AIR NEW SOURCE PERMITS REGISTRATION 13219
AIR NEW SOURCE PERMITS REGISTRATION 36032
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG06970
AIR NEW SOURCE PERMITS AFS NUM 4820100037
AIR NEW SOURCE PERMITS REGISTRATION 56485
AIR NEW SOURCE PERMITS REGISTRATION 80725
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1081M1
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 80070
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50095
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 31019
EMISSIONS BANKING AND TRADING ID NUMBER EBT100220581

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: February 18, 2016

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 18, 2011 to February 18, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Kingsley Coppinger

Phone: (512) 239-2583

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 03/19/2011 ADMINORDER 2010-1388-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.335(a)

30 TAC Chapter 117, SubChapter H 117.9020(2)(C)(i)

5C THSC Chapter 382 382.085(b)

Description: Failed to conduct a stack test on the Regenerator II Preheater and submit the test report prior to the March 31, 2007 deadline. Additionally, it was documented that the preheater was only operated for 20 days between October 20, 2007 and October 2, 2009.

2 Effective Date: 01/12/2015 ADMINORDER 2014-0939-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.146(2)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms & Conditions OP

Special Terms & Conditions OP

Description: Failure to submit a permit compliance certification within 30 days after the end of the certification period.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	February 22, 2011	(909123)
Item 2	March 28, 2011	(916376)
Item 3	April 25, 2011	(924866)
Item 4	May 23, 2011	(938061)
Item 5	June 13, 2011	(899810)
Item 6	July 01, 2011	(934113)
Item 7	September 06, 2011	(948386)
Item 8	September 21, 2011	(965375)
Item 9	December 19, 2011	(984341)
Item 10	January 17, 2012	(990638)
Item 11	February 21, 2012	(998000)
Item 12	March 21, 2012	(1003527)
Item 13	April 20, 2012	(1010092)
Item 14	May 21, 2012	(1016483)
Item 15	June 06, 2012	(994562)
Item 16	June 28, 2012	(1024206)
Item 17	July 23, 2012	(1031598)
Item 18	August 15, 2012	(1027090)
Item 19	September 20, 2012	(1046709)
Item 20	October 22, 2012	(1060991)
Item 21	November 30, 2012	(1060992)
Item 22	December 06, 2012	(1079036)
Item 23	December 14, 2012	(1060993)
Item 24	March 22, 2013	(1089342)
Item 25	April 01, 2013	(1095735)
Item 26	May 20, 2013	(1106660)
Item 27	June 24, 2013	(1110335)
Item 28	July 08, 2013	(1117220)
Item 29	September 20, 2013	(1129574)
Item 30	October 29, 2013	(1088162)
Item 31	November 14, 2013	(1140704)
Item 32	December 20, 2013	(1147163)
Item 33	January 02, 2014	(1153232)
Item 34	February 06, 2014	(1138583)
Item 35	February 19, 2014	(1160567)
Item 36	March 21, 2014	(1167212)
Item 37	May 22, 2014	(1180533)
Item 38	May 29, 2014	(1115024)

Item 39	June 20, 2014	(1187431)
Item 40	July 18, 2014	(1198611)
Item 41	August 19, 2014	(1198612)
Item 42	September 02, 2014	(1178073)
Item 43	September 18, 2014	(1205836)
Item 44	October 06, 2014	(1212248)
Item 45	October 22, 2014	(1180020)
Item 46	October 29, 2014	(1184236)
Item 47	October 30, 2014	(1178101)
Item 48	November 18, 2014	(1218500)
Item 49	December 16, 2014	(1224279)
Item 50	January 22, 2015	(1230866)
Item 51	February 26, 2015	(1242317)
Item 52	March 27, 2015	(1248646)
Item 53	April 29, 2015	(1255546)
Item 54	May 14, 2015	(1262256)
Item 55	May 28, 2015	(1228005)
Item 56	June 17, 2015	(1269425)
Item 57	July 07, 2015	(1276970)
Item 58	August 24, 2015	(1283148)
Item 59	September 16, 2015	(1290288)
Item 60	November 17, 2015	(1301944)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 09/02/2015 (1266151) CN604683482
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)
30 TAC Chapter 335, SubChapter E 335.112(a)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174
Description: Failure to conduct weekly inspections of hazardous waste container storage areas.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
40 CFR Chapter 264, SubChapter I, PT 264, SubPT J 264.195
II.C.1.e. and II.C.2.g PERMIT
Table III.D. PERMIT
Description: Failure to conduct required daily inspections at hazardous waste storage tanks.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)
30 TAC Chapter 335, SubChapter C 335.69(b)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(b)
Description: Storing containerized hazardous waste on-site in excess of the accumulation time limits.
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(2)
30 TAC Chapter 335, SubChapter C 335.69(a)(3)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(2)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)
Description: Container accumulating hazardous waste were not labeled, contained labels without dates, or contained illegible labels.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)
30 TAC Chapter 335, SubChapter E 335.112(a)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(1)(i)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.171
Description: Accumulating waste in containers not in good condition.

- 2 Date: 09/30/2015 (1296491) CN604683482
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 3 Date: 11/30/2015 (1308872) CN604683482
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 4 Date: 02/10/2016 (1295762) CN604683482
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Description: Failure to complete incident reports within 2 weeks of incident.

F. Environmental audits:

Notice of Intent Date: 03/03/2015 (1239150)
No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ECO SERVICES OPERATIONS
LLC
RN100211317 AND RN100220581**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2016-0113-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Eco Services Operations LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical plant located at 3439 Park Street in Baytown, Harris County, Texas ("Plant 1") and a chemical plant located at 8615 Manchester Street in Houston, Harris County, Texas ("Plant 2") (collectively known as the "Plants"). The Plants consist of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073 and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH AND SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$20,063 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid \$8,026 of the penalty and \$4,012 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount will be waived upon full compliance with the terms of this Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Pursuant to TEX. WATER CODE § 7.067, \$8,025 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the

penalty shall be discharged upon full compliance with all the terms of this Order, which includes timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plants:
 - a. On February 24, 2015, submitted the Permit Compliance Certifications ("PCC") for the July 25, 2014 through November 30, 2014 and December 1, 2014 through January 24, 2015 certification periods for Plant 1;
 - b. On April 2, 2015, submitted the PCCs for the September 1, 2014 through November 30, 2014 and December 1, 2014 through March 2, 2015 certification periods for Plant 2;
 - c. On April 2, 2015, submitted the deviation report for the September 1, 2014 through March 2, 2015 reporting period for Plant 2; and
 - d. On October 7, 2015, replaced the mail meter to ensure mail is dated correctly for the timely submittal of PCCs.

II. ALLEGATIONS

1. During an investigation conducted on October 6, 2015 at Plant 1, an investigator documented that the Respondent failed to submit a PCC within 30 days after the end of the certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") No. 01610, General Terms and Conditions ("GTC"). Specifically, the PCC for the July 25, 2014 through November 30, 2014 certification period was due by December 30, 2014 and the PCC for December 1, 2014 through January 24, 2015 certification period was due by February 23, 2015 but both were not submitted until February 24, 2015.

2. During a record review conducted from December 9, 2015 through January 12, 2016 for Plant 2, an investigator documented that the Respondent:
 - a. Failed to submit a PCC within 30 days after the end of the certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 03049, GTC. Specifically, the PCC for the September 1, 2014 through November 30, 2014 certification period was due by December 30, 2014 and the PCC for the December 1, 2014 through March 2, 2015 certification period was due by April 1, 2015 but both were not submitted until April 2, 2015; and
 - b. Failed to submit a deviation report within 30 days after the end of the reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 03049, GTC. Specifically, the deviation report for the September 1, 2014 through March 2, 2015 reporting period was due by April 1, 2015 but was not submitted until April 2, 2015.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Eco Services Operations LLC, Docket No. 2016-0113-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete an SEP as set forth in Section I, Paragraph 4. The amount of \$8,025 of the assessed penalty is conditionally offset based on the Respondent's completion of the SEP pursuant to the terms of the SEP Agreement. The Respondent's obligation to pay the conditionally offset portion of the assessed penalty shall be discharged upon completion of all provisions of the SEP Agreement, as determined by the Executive Director. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Order to personnel who maintain day-to-day control over the operations at the Plants referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date


For the Executive Director

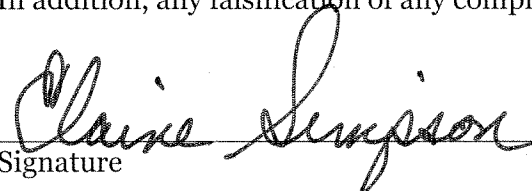
9/20/16
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

6/9/16
Date

~~VP, HSK~~ ELAINE SIMPSON
Name (Printed or typed)
Authorized Representative of
Eco Services Operations LLC

VP, HSK
Title

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Order.

☐ If mailing address has changed, please check this box and provide the new address below:

Attachment A
Docket Number: 2016-0113-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Eco Services Operations LLC
Penalty Amount:	Sixteen Thousand Fifty-One Dollars (\$16,051)
SEP Offset Amount:	Eight Thousand Twenty-Five Dollars (\$8,025)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston-Galveston Area Council-AERCO
Project Name:	<i>Clean Vehicles Partnership Project</i>
<u>Location of SEP:</u> Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Houston, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton Counties	

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston-Galveston Area Council-AERCO** for the *Clean Vehicles Partnership Project*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to replace old, higher emission buses that do not meet 2010 Environmental Protection Agency ("EPA") emissions standards ("Old Buses") with new, lower emission buses that meet the most recent EPA emissions standards ("New Buses") or to retrofit or convert Old Buses with emissions reducing equipment. The Third-Party Administrator shall allocate the SEP Offset Amount to public entities such as school districts, local governments, and public transit authorities ("SEP Administrators") that apply for replacement, retrofit, or conversion of buses.

The SEP Offset Amount may also be used for retrofit or conversion technology that brings an Old Bus up to current EPA emissions standards. New Buses may be alternative-fueled. The SEP Offset Amount may be used for up to 100% of the replacement, conversion, or retrofit cost. The SEP Offset Amount will be used only for purchase of New Buses or conversion or retrofit equipment and contract labor for

installation of equipment. The SEP Offset Amount will not be used for financing such a purchase through a lease-purchase or similar agreement.

Retrofitting means reducing exhaust emissions to current standards by installing devices that are verified or certified by the EPA or the California Air Resources Board as proven retrofit technologies. Converting means replacing an engine system with an alternative fuel engine system to bring the Old Bus within the current EPA emissions standards. Buses to be replaced, retrofitted, or converted must be in regular use (driven at least five hundred miles per year for at least the past two years) by the SEP Administrator and must not already be scheduled for replacement in the following twenty-four months. All replaced buses must be fully decommissioned. The Third-Party Administrator shall provide proof of decommissioning to TCEQ for each replaced vehicle by submitting a copy of the TCEQ SEP Vehicle Replacement Disposition Form. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will directly benefit air quality by reducing harmful exhaust emissions that contribute to the formation of ozone and may cause or exacerbate a number of respiratory diseases, including asthma. For example, by replacing a 1989 diesel bus with a 2010 ultra-low emission model, passengers' exposure to nitrogen oxides may be reduced by 98 percent; volatile organic compounds by 93 percent; carbon dioxide by 83 percent; and particulate matter by 99 percent. In addition, by encouraging less bus idling, this SEP contributes to public awareness of air pollution and air quality.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Houston-Galveston Area Council-AERCO SEP** and shall mail the contribution with a copy of the Agreed Order to:

Houston-Galveston Area Council-AERCO
P.O. Box 22777
Houston, Texas 77227-2777

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Eco Services Operations LLC
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.